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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 RICKEY CALHOUN,

14 Plaintiff,

15 v.

16 SPECIAL COMMITMENT CENTER,
17 WASHINGTON STATE DEPARTMENT OF
18 SOCIAL AND HEALTH SERVICES *et al.*,

19 Defendants.

20 Case No. C08-5101RBL/JKA

21 REPORT AND
22 RECOMMENDATION

23 **NOTED FOR:**
24 **October 10, 2008**

25 This civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28
26 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Before the court is defendant's motion to "strike the
amended complaint" (Dkt # 67). In the body of the motion defendants ask that this action be
dismissed with prejudice (Dkt # 67). Defendants bring the motion pursuant to Fed. R. Civ. P 12 (e).

27 Defendants previously moved for a more definite statement (Dkt # 34). That motion was
28 granted, in part, because plaintiff had not tied any of the alleged facts to any specific cause of action
29 (Dkt # 63). Plaintiff has cured that defect. The amended complaint specifies which defendants and

1 what facts are germane to each cause of action. Defendants argue that the amended complaint
2 repetitively sets forth paragraphs from earlier in the complaint. The court disagrees. Plaintiff has now
3 specified what facts he alleges for each cause of action and which defendants are associated with those
4 facts. While plaintiff is verbose in setting forth unnecessary detail and alleged verbatim statements, the
5 amended complaint is a document that sets forth the claims in a manner they can be answered

6 The motion to strike the amended complaint and dismiss this action should be **DENIED**.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties
8 shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
9 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas
10 v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is
11 directed to set the matter for consideration on **October 10, 2008**, as noted in the caption.

12 DATED this 9 day of September, 2008.

13
14 /S/ J. Kelley Arnold
15 J. Kelley Arnold
16 United States Magistrate Judge